

REMARKS

Claims 1-3, 5-10, 12-14, 16 and 17 are pending in the application. Claims 1-3, 5-10, 12-14, 16 and 17 have been rejected. Claims 1, 7, 10 and 12 have been amended. No new matter has been added.

Claim Amendments

Claims 1, 7, 10, and 12 have been amended to clear of the indefiniteness caused by the use of “and/or” in the claims as indicated by the examiner. Claims 1 and 12 have also been amended to add the selection algorithms to the group of items that can comprise the forms and to clarify that in function of said hierarchised sequences of alternative actions of said catalogue of recommended actions, and in function of the past history of all alternative actions past history of all alternative actions includes both the actual treatment chosen and all other treatments not chosen by the user.

Rejections under 35 USC § 112

Claims 1, 7, 10, and 12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. Specifically, the Examiner indicates the phrase “and/or” is indefinite because it is unclear whether the limitation(s) should be taken together or individually.

Applicants believe that the phase (and/or) is not indefinite as it indicates that any combination of limitations may be used (together or individually). But, in the interest of moving prosecution forward, Applicants have amended the claims to replace the phrase “and/or” with alternate language describing the grouping of the limitations.

Rejections under 35 USC § 103

Claims 1-3, 5-10, 12, 16 and 17 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Pat No. 5,583,758 to McIlroy et al. (hereinafter “McIlroy”). Applicants respectfully traverse the rejection.

Claims 1 and 12

Applicants respectfully submit that McIlroy fails to teach or suggest each and every element of claims 1 and 12. Specifically, McIlroy fails to teach or suggest at least one recorded catalogue of recommended actions comprises hierarchised sequences of alternative actions, wherein said actions comprise sequential procedure steps and wherein for each of said steps the method generates electronic evaluation forms hierarchically organized as forms and subforms, forms comprising a list of one or more selected from the group comprising of recommended actions, information-input requests, decision-requests and selection algorithms, in function of said hierarchised sequences of alternative actions, and in function of the past history of all alternative actions, , including both the actual treatment chosen and all other treatments not chosen by the user, so as to enable transfer of a group of evaluation forms and subforms in one operation into one file as set forth in amended claims 1 and 12.

Claims 1 and 12 set forth generation of forms in function of said hierarchised sequences of alternative actions, and in function of the past history of all alternative actions, including both the actual treatment chosen and all other treatments not chosen by the user. This allows for the reconstruction of the whole decision making sequence. That is, recording of the sequence is made before, during, and after the selection process, allowing for reconstruction of the whole decision making sequence including the sections thereof comprising alternatives that were not chosen in the end. This is in contrast to McIlroy in which any recording of the sequence takes place after the selection and normally is not used thereafter to steer the process.

In regard of the Examiner's citation of McIlroy, col 6, lines 48-49, it is respectfully submitted that this citation is incomplete. Reading the cited passage in light of the description relating to Fig 6 [see col 6, line 64-col 7, line 12], the distinction between McIlroy and the present application is that according to McIlroy only one pathway is documented. Either the pathway through 02P or 03a through 03e as chosen and response "g" and treatment options 2A or 2C, as the case may be or the pathway through response "g" after question 04 after the answer corresponding to code 03f would be documented. In contrast, both pathways would be documented in the present application. Thus, both the pathway through 02P or 03a through 03e as chosen and response "g" and treatment options 2A or 2C, as the case may be, and the pathway

through response "g" after question 04 after the answer corresponding to code 03f would be documented.

Applicants further note that the index component, question component, treatment component, and clinical decision components of McIlroy are not recorded in a catalogue but in separate databases. Indeed, the question component is comprised of separate databases, the questions in one database (Fig. 4) and the answers in another database (Figs 5-7). As such the cited sections of the reference do not disclose, teach or suggest a recorded catalogue of recommended actions comprised of hierarchised sequences of alternative actions.

The Examiner also cites column 5, lines 21-45 as disclosing a recorded catalogue of recommended actions. In actuality this section of McIlroy discusses a guideline viewed as a decision tree with multiple data collection nodes and conditional branching. The decision tree merely is used as a way of illustrating the logic used to arrive at the treatment options. The decision tree is not actually recorded in the system and is not a catalogue of recommended actions.

In addition, the treatment options provided in McIlroy are not listed as a "hierarchised sequence of alternative actions," as set forth claims 1 and 12. The treatment options of McIlroy are actually "endpoints of navigation through the decision tree" and do not generate any further forms in the method of McIlroy (See col. 5, lines 24-26). In contrast, the present invention continues to guide the user through a process by generating hierarchically organized forms and subforms for each procedure step after presentation of the treatment options.

In light of the foregoing amendments and remarks, Applicants respectfully submit that McIlroy fails to teach or suggest each and every element of amended claims 1 and 12 and as such amended claims 1 and 12 are not obvious in view of McIlroy. Applicants therefore request the Examiner withdraw the rejections of claims 1 and 12 under 35 U.S.C. §103, and pass the claim to allowance.

Claims 2-3, 5-10, 13, 14, 16, and 17

Claims 2-3, 5-10, 13, 14, 16, and 17 depend from either claim 1 or claim 12 and as such incorporate each and every element of claim 1 or 12. As discussed above, McIlroy fails to teach or suggest each and every element of amended claims 1 and 12. Therefore, McIlroy fails to disclose each and every element of claims 2-3, 5-10, 13, 14, 16, and 17.

In light of the foregoing amendments and remarks, Applicants respectfully submit that amended claims 2-3, 5-10, 13, 14, 16, and 17 are not obvious in view of McIlroy. Applicants therefore request the Examiner withdraw the rejections of claims 2-3, 5-10, 13, 14, 16, and 17 under 35 U.S.C. §103, and pass the claim to allowance.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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